

## **TRI COMPLIANCE ASSISTANCE PAPER** **for Stakeholder Outreach**

### **I. BACKGROUND**

This is one of three papers which describe aspects of the Toxics Release Inventory (TRI) Program and raise issues for stakeholder input. The scope of each paper corresponds to a phase of the annual TRI reporting cycle. TRI data for a calendar year must be reported to EPA each year by July 1<sup>st</sup> after the end of the year. Therefore, reporting years are the same as calendar years. The “reporting cycle” begins with EPA’s compliance assistance (CA) activities, including the development of its reporting forms and instructions package. A courtesy copy of the reporting forms and instructions package is generally mailed to facilities in March of each year. Once EPA receives the forms, it enters the data from the forms (more than 91,000 in 2000) in its TRI database. After entry into the database, EPA runs a number of data quality checks on both the facility identification information and on the chemical-specific data. After the data entry and data quality steps are completed, the TRI database is “frozen” for analysis and development of data products for release to the public. Generally, EPA announces the annual release of the TRI data by holding a press event or issuing a press release, and simultaneously notifying a wide range of stakeholders.

The first background paper for this stakeholder process is entitled *TRI Data Collection, Processing and Management*, and addresses the TRI data process beginning with submission of the forms and ending at the data “freeze.” The *TRI Data Release Issue Paper* is the second of the three; it discusses TRI data products, the process for analyzing and releasing the TRI data, uses of the data, and issues and considerations associated with these aspects of the TRI Program. This paper, *TRI Compliance Assistance Paper*, which addresses TRI CA activities is the third paper. TRI CA activities are carried out throughout the year with certain activities being closely aligned with the reporting cycle.

### **II. TRI COMPLIANCE ASSISTANCE ACTIVITIES**

CA includes activities, tools, or technical assistance that provides clear and consistent information to help the regulated community understand and meet its environmental regulatory obligations. By definition, CA includes finding cost-effective ways to comply with regulations and/or go beyond compliance through the use of pollution prevention, environmental management systems (EMS), and innovative technologies, thus improving environmental performance. CA is a core function of the TRI Program and is critical to helping facilities understand regulatory requirements, and the submission

of accurate and high quality data. The key parts of the TRI CA program include:

### **Reporting Forms & Instructions**

Every year the TRI Program publishes the *Toxic Chemical Release Inventory Reporting Forms & Instructions* guidance document (<http://www.epa.gov/tri/report/rfi2001.pdf>) to provide the regulated community clear and concise information on how to accurately report their toxic chemical releases and other waste management activities to EPA pursuant to EPCRA section 313. This document is key in providing the regulated community with an overview of TRI reporting requirements and updates to reporting requirements from previous reporting years.

*EPA would like comments on the TRI Reporting Forms and Instructions, including how it meets the regulated communities' information and reporting needs, and suggestions for changes.*

### **TRI Made Easy (TRI-ME)/TRI Assistance Library**

*TRI-ME* (<http://www.epa.gov/tri/report/software/>) is an interactive, intelligent, user-friendly software tool that guides facilities through the TRI reporting experience. By leading prospective reporters through a series of logically ordered questions, *TRI-ME* streamlines the user's analysis needed to determine if a facility must complete a Form R report or Form A Certification Statement for a particular chemical. For those facilities required to report, the software provides the user with guidance for each data element on the reporting forms. Additionally, *TRI-ME* has a one-stop guidance feature, the *TRI Assistance Library* (which is also available separately (<http://www.epa.gov/tri/report/index.htm#guidance>)) that allows users to do keyword searches on the statutes, regulations, and many EPCRA section 313 guidance documents. For the more experienced reporter, *TRI-ME* allows for direct data entry onto electronic versions of the Form R and Form A Certification Statement. *TRI-ME* checks the data for common errors and then prepares the forms, on paper, magnetic media, or electronically over the Internet via the EPA's Central Data Exchange (CDX) for submission to EPA. In the spring of 2002, EPA distributed more than 23,000 copies of *TRI-ME* in preparation for the 2001 reporting year, and is working with facilities to continue to improve and upgrade this compliance tool for the 2002 reporting year. EPA works with *TRI-ME* users to incorporate comments and suggestions on how subsequent versions can be made more helpful and easier to use.

*EPA would like comments on both TRI-ME and the TRI Assistance Library including how they meet the regulated communities' reporting and information needs, and suggestions for*

changes.

## **Industry Training Workshops**

The TRI Industry Training Workshops (provided by both headquarters and the EPA regions) (<http://www.epa.gov/tri/report/training/index.htm>) provide the regulated community with live training on the TRI regulatory requirements, guidance on how to complete the reporting Form R and the Form A Certification Statement, as well as an update on new program requirements and changes. In preparation for the 2001 reporting year, there were approximately 75 one- and two-day workshops held throughout the US and attended by more than 3,000 participants. Certain workshops have been designed for specific industry sectors (e.g., mining, electric utilities, federal facilities), while others have been designed for the reporting of specific chemicals (e.g., there were nine lead and lead compounds workshops which had more than 700 participants in preparation for the first year of reporting of lead and lead compounds at a lower threshold in 2001).

The intent of the training workshops is to familiarize facilities with the reporting obligations they may have under section 313 of EPCRA and section 6607 of the PPA. Sessions present basic reporting requirements and a variety of hands-on exercises using the reporting forms and supporting materials that assist participants in understanding their reporting obligations. Workshops have been designed for persons from facilities that operate in the industry sectors subject to EPCRA Section 313 and PPA Section 6607, persons from facilities that may be affected by the recent changes to the EPCRA section 313 and PPA section 6607 regulations, and persons from federal facilities and private sector facilities responsible for completing EPCRA section 313 reporting form(s), and consulting firms who may be assisting them.

*EPA would like comments on all aspects of the TRI Industry Training Workshops, including how they meet the regulated communities' training and information needs, and suggestions for changes. In addition, EPA would like comments on the possibility of other venues for providing the training, such as developing computer-based training modules or privatizing TRI training in the future.*

## **Guidance Documents**

EPA provides industry-specific, chemical-specific and general guidance to assist the regulated community in fulfilling their reporting obligations under section 313 of EPCRA ([http://www.epa.gov/tri/guide\\_docs/index.htm](http://www.epa.gov/tri/guide_docs/index.htm)). Industry-specific guidance provides general statutory

and regulatory guidance for specific industry sectors, in addition to industry-specific reporting recommendations and emission factors. Chemical-specific guidance explains the EPCRA Section 313 reporting requirements, and provides guidance on how to estimate annual releases and other waste management quantities of a particular chemical from certain industries and industrial activities.

In addition, EPA has made available the “EPCRA Section 313 Questions and Answers” (Q&A) document ([http://www.epa.gov/tri/guide\\_docs/1998/1998qa.pdf](http://www.epa.gov/tri/guide_docs/1998/1998qa.pdf)). The latest version of this document was published in 1998 and the Agency anticipates releasing an updated version in the summer of 2002. This document has been developed to clarify reporting requirements in conjunction with the statute and TRI regulations, including topics related to reporting requirements, exemptions, Form R calculations and submissions, supplier notification, trade secrets, and policy directives. EPA is currently in the process of updating the Q&A document. EPA has also developed guidance that assists facilities with specific aspects of the reporting process such as in revising/withdrawing TRI submissions ([http://www.epa.gov/tri/guide\\_docs/index.htm#general](http://www.epa.gov/tri/guide_docs/index.htm#general)).

*EPA would like comments on all guidance documents, including how they meet the regulated communities’ reporting and information needs, and suggestions for changes. Suggestions and comments can relate to specific guidance documents (e.g., lead and lead compounds guidance document, metal mining guidance document), or general comments on the overall presentation of material (e.g., understandable, accessible, appropriate reference information, helpful, etc.).*

### **Interpretive Guidance (IG)**

Facilities are encouraged to and do write to the TRI Program directly, asking site-specific questions relating to TRI reporting requirements. The TRI Program responds directly to facility questions through a formal interpretive guidance (IG) process established by the TRI Program.

*EPA would like comments on the IG process, including how it meets the regulated communities’ information needs, and suggestions for changes (e.g., is there a need for public access to the IG database, can the Q&A guidance document be updated immediately with IG policy decisions).*

### **Compliance Assistance Outreach Activities**

At both EPA headquarters and the regional offices, the TRI Program spends a significant

amount of time providing outreach to assist the regulated community in fulfilling their reporting obligations under section 313 of EPCRA. Outreach activities (e.g., meetings, conferences, answering phone calls, etc.) vary depending upon the needs of the region, the year of reporting (e.g., PBT chemical reporting for the first time in RY 2000), and other factors. Depending upon the needs of the regulated community, EPA works with both individual facilities and industry groups to provide CA activities for those required to report to TRI.

*EPA would like comments on the success of TRI CA outreach activities, including how they meet the regulated communities' information needs, and suggestions for changes (e.g., are there other outreach activities that EPA could be doing to enhance CA?).*

### **TRI Website**

In 2002, the TRI Program redesigned ([http://www.epa.gov/tri/site\\_design.htm](http://www.epa.gov/tri/site_design.htm)) the EPA TRI website (<http://www.epa.gov/tri>) in an effort to provide easier and faster access to TRI information. The TRI website was redesigned to simplify access to TRI information for both the public and the regulated community. Depending upon the topic, CA information can be quickly accessed and downloaded. If individuals have additional questions, contact information is available (HQ, EPA regional TRI coordinators, state TRI coordinators, EPCRA Hotline, TRI User Support, TRIDOCs).

*EPA would like comments on the recently redesigned TRI Website, including how it meets users' data and information needs, and suggestions for changes.*

### **EPCRA Call Center (EPCRA Hotline)**

The TRI Program also offers reporting assistance to the regulated community through a telephone hotline, called the RCRA, Superfund and EPCRA Call Center. As the name implies, the call center is a one-stop hotline that provides guidance on a variety of regulations. Operated Monday - Friday from 9:00am to 5:00pm (eastern standard time), the regulated community can telephone the hotline to ask questions about how to comply with EPCRA section 313. The call center relies on written guidance, including guidance documents prepared by EPA and letters that respond to regulatory questions from the regulated community. Each year, the call center receives about 30,000 questions. A separate monthly survey conducted by the contractor who manages the call center shows high satisfaction with the call center: 63% of respondents indicated that they were strongly satisfied; 25% indicated they were mostly satisfied; 11% indicated they were satisfied; 1% indicated they were dissatisfied. In addition, the EPCRA Call Center maintains a free electronic mailing list server that E-

mails EPCRA related documents/information as they are published.

*EPA would like comments on the EPCRA Call Center, including how it meets users' data and information needs, and suggestions for changes.*

### **TRI-User Support (TRI-US)/TRI Documents**

TRI-US provides a mechanism by which individuals who have questions or need assistance can contact EPA's TRI Program directly (TRI-US can be contacted at (202) 566-0250 or via E-mail [tri.us@epa.gov](mailto:tri.us@epa.gov)). In addition, all TRI Documents can be obtained free by calling the TRIDOCs hotline (202) 564-9554.

*EPA would like comments on both TRI-US and the TRIDOCs hotline, including how they meet the regulated communities' data and information needs, and suggestions for changes.*

### **III. EVALUATION**

In general, the CA activities outlined above have been implemented with very successful results. Many activities were initiated and modified in response to requests from the regulated community and other TRI stakeholders. In EPA's continued effort to improve CA to the regulated community, the TRI Program would like to evaluate the effectiveness of current CA activities with respect to the following:

- C Effectiveness for improving data quality;
- C Effectiveness for improving compliance with section 313 of EPCRA (40 CFR §372) and section 6607 of the PPA (i.e., TRI requirements);
- C Burden reduction (i.e., the time/effort it takes the regulated community to fulfill TRI requirements); and
- C Identification of gaps for new CA efforts or modification of existing tools.

There are several ways which this evaluation can be completed. For example:

- C Conduct a survey/interview of users of the TRI CA tools and CA providers, and follow-up with a focus group meeting going over the results and generating new ideas;
- C Develop a correlation between TRI data and the implementation of CA tools (e.g., develop a histogram between trends in TRI data and implementation of CA tools); and

- C Evaluate use/demand for the various CA tools (e.g., number and types of callers to the EPCRA Call Center).

Finally, EPA requests general comments on the overall successfulness of the TRI Program's CA activities. For example, which CA activities have been the most successful? Which have been the least successful, and why? Can the Agency more effectively use enforcement initiatives or targeting to: improve overall reporting; encourage reporting from non-reporters; and receive better data (i.e., focus not just on CA activities but the goal of better data). If cuts in CA activities are necessary, which CA activities should EPA continue to invest? Which CA activities should EPA disinvest, and why? Compliance assistance is targeted and delivered both by EPA headquarters and EPA regions. Is this successful? Is there significant variation in quality? In addition, EPA requests comments on any aspect of CA that may have not been mentioned above. For example, all of the CA activities outlined above have been provided by the TRI Program. Are there opportunities to develop CA activities through other Agency programs or efforts? For example, the TRI Program currently provides the CA information that it develops in a variety of ways, including through the program's web site, EPA's Compliance Assistance Centers, on EPA's regions websites, through requests to the EPCRA Call Center, TRI-US, and TRI-DOCS. What other opportunities exist to enhance CA for the regulated community reporting to TRI?